

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA ) Case No. 4:23-cr-01

v. ) ) Judge Atchley

RAFAEL AVENDANO YANEZ ) ) Magistrate Judge Steger

**ORDER**

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 24] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one count Indictment; (2) accept Defendant's guilty plea to Count One of the one count Indictment; (3) adjudicate Defendant guilty of illegal reentry subsequent to a conviction for illegal reentry in violation of 18 U.S.C. §§ 1326(a) and 1326(b)(1); and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 24] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the one count Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One of the one count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of illegal reentry subsequent to a conviction for illegal reentry in violation of 18 U.S.C. §§ 1326(a) and 1326(b)(1); and
4. Defendant **SHALL REMAIN** in custody pending further order of the Court or sentencing in this matter which is scheduled to take place on **January 11, 2024, at 10:00 a.m. ET**.

**SO ORDERED.**

*/s/Charles E. Atchley, Jr.*

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**CHARLES E. ATCHLEY, JR.**

**UNITED STATES DISTRICT JUDGE**